

PATENT
Application 10/773,640
Attorney Docket 2003-0195 (1014-211)

REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

Each of claims 1 and 5 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 1-9 are now pending in this application. Each of claims 1 and 5 is in independent form.

The Obviousness Rejections

In a Final Office Action dated 11 January 2008 ("the present Office Action"), each of claims 1-9 was rejected under 35 U.S.C. 103(a) as being obvious, and thus unpatentable, over various combinations of U.S. Patent 7,145,900 ("Nix"), and/or U.S. Patent 2002/0141386 ("Minert").

As an initial matter, each of these rejections is respectfully traversed as moot in view of the present amendments to each of independent claims 1-5. Specifically, each of independent claims 1 and 5, from one of which each of claims 2-4 and 6-9 ultimately depends states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "the IP device adapted to route the call over multiple parallel network call paths to ring each of a set of separate phones at each of a plurality of destinations, the set of separate phones comprising a cell phone destination, a voice over IP phone, and a PBX phone". In particular, the applied portions of Minert appear to be silent regarding any cell phone destination whatsoever. In addition, the applied portions of Minert appear to be silent regarding routing "the call over multiple parallel network call paths to ring each of a set of separate phones

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at each of a plurality of destinations". No evidence is of record that the applied portions of the remaining relied-upon references overcome at least these deficiencies of Minert.

Moreover, claim 2 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Nix teach, "applications comprising remote voice mail screening, call transfer to another phone prior to picking up the destination phone, midcall transfer to another phone, call logging, adding the call to an audio conference, putting the caller on hold, remote call hangup, ringing multiple phones on the incoming call, a screen popup on a personal computer that indicates who is calling, providing a picture of the caller, managing multiple devices and telephone numbers, controlling one button dialing from a phone, and voice dialing control". Indeed, the applied portions of Nix appear to be completely silent regarding at least "remote voice mail screening, call transfer to another phone prior to picking up the destination phone, midcall transfer to another phone, call logging", and "putting the caller on hold, remote call hangup". No evidence is of record that the applied portions of the remaining relied-upon references overcome at least these deficiencies of Nix. In addition, contrary to the assertions of the present Office Action, the applied portions of Minert appear to be completely silent regarding at least "managing" "multiple" "telephone numbers, controlling one button dialing from a phone, and voice dialing control". No evidence is of record that the applied portions of the remaining relied-upon references overcome at least these deficiencies of Minert.

In addition, claim 3 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Minert teach, "via the voice control portion, the IP device adapted to receive a voice command from a cell phone and determine a party to call from the voice command, the IP device adapted to cause an establishment of a connection between the cell phone and the party". Indeed, the applied portions of Minert appear to be completely silent regarding at least any "voice command", "cell phone", or function to "determine a party to call from the voice command". No evidence is of record that the applied portions of the remaining relied-upon references overcome at least these deficiencies of Minert.

Claim 4 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Nix teach, "providing a service application under the control of the IP device, the service application adapted to transfer a call from a cell phone to a PBX phone". Indeed, the applied portions of Nix appear to be completely silent regarding at least any "cell phone", or any

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function to "transfer a call from a cell phone to a PBX phone". No evidence is of record that the applied portions of the remaining relied-upon references overcome at least these deficiencies of Nix.

Claim 6 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Nix teach, "the IP device adapted to receive a particular number to be dialed from a personal computer client, the personal computer client provide the number based upon a click". Indeed, the applied portions of Nix appear to be completely silent regarding at providing any function whatsoever "based upon a click". No evidence is of record that the applied portions of the remaining relied-upon references overcome at least these deficiencies of Nix.

Claim 8 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Nix teach, "the service application adapted to route the call to both a voice mail system and to a personal computer client, the service application adapted to connect the call to a PBX phone responsive to a request from the user indicative of a decision to pick up the call". Indeed, the applied portions of Nix appear to be completely silent regarding at providing any "voice mail" function whatsoever and completely silent regarding any "request from the user indicative of a decision to pick up the call". No evidence is of record that the applied portions of the remaining relied-upon references overcome at least these deficiencies of Nix.

Thus, even if there were proper evidence of obviousness presented in the Office Action (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Office Action (another assumption that is respectfully traversed), no substantial evidence has been presented the applied portions of the references relied upon in the Office Action, **as attempted to be modified and/or combined**, expressly or inherently teach every limitation of the claims, and consequently the Office Action fails to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

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CONCLUSION

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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